

REMARKS

Overview

Claims 12-28 are now pending in this application. Claim 12 has been amended, and new claims 19-28 are presented. No new subject matter has been added. The amendments to the claims are fully supported by the Specification as originally filed. Applicants respectfully request reconsideration of the above-identified application in view of the remarks that follow.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 12-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Happ, in view of Pace, Young and Moore, Jr. Claim 12 has been amended to include a limitation regarding the duration of treatment, and as such Examiner's rejection is now moot.

Applicants respectfully assert that amended claim 12 and new claim 20 are allowable over the prior art of record. As a result, claims 13-19 and 21-27 are likewise allowable as depending from allowable base claims.

Specifically, there is no teaching or suggestion in the cited prior art which would render either claim 12 or claim 19 obvious. For example, claim 12 now has the additional limitation that substantially complete moss control is achieved in less than about eight weeks. Nothing in the cited references indicates that application of this compound alone will achieve moss control in this time span.

For instance, Happ states that "iron treatments, in the form of iron sulfate, can be applied ... every other week during the summer or at higher rates during the fall and winter" (Happ, page 3, column 3). In addition, Case Study #1 states that "treatments were performed in the afternoon during the summer and continued throughout the fall" (page 4, column 2). Further, Case Study

#3 states that "using a combination of techniques, the moss problems were brought under control in seven months" (page 5, column 1). Happ further states that "the control of moss should be approached as a long-term project," and that "it is reasonable to expect that it will take time, often a long time, to reverse the undesirable condition" (page 5, column 2). Thus, the Happ reference taken as a whole does not teach or suggest that the claimed method would be effective in less than about eight weeks.

The method is likewise not rendered obvious by the combination of the remaining references. None of the remaining references deal with the control of moss. Each of the other three references, instead deal with methods for fertilizing plants. As a result, nothing in these references would indicate that moss control can be achieved in the claimed manner.

Reconsideration and allowance is respectfully requested.

Claims 13-19 depend from claim 12, and likewise are allowable on that basis.

For similar reasons, new claim 20 is allowable over the prior art of record. New claim 20 requires that the moss be substantially completely controlled within about three or fewer applications. Once again, Happ does not teach or suggest that such a short course of treatment can be effective in controlling moss. For example, in Case Study #3, Happ states that weekly treatments were made throughout the season, and the total course of treatment lasted approximately seven months, leading to the conclusion that at least twenty-eight treatments were made in order to substantially completely control the moss problem (page 5, column 1). Further, the conclusion states that "it is reasonable to expect that it will take time, often a long time, to reverse the undesirable condition" of moss infestation (page 5, column 2). Nothing in Happ, therefore, suggests that such a small number of treatments would be effective in substantially completely controlling moss.

There likewise is no such suggestion in any of the other cited references. As noted previously, none of the other references are directed to control of moss. Rather they are focused on fertilizer compounds for use with plants. As a result, there is no teaching or suggestion to combine the references in such a way that would render new claim 20 obvious.

As new claims 21-27 depend from claim 20, claims 21-27 are likewise allowable.

For similar reasons, new claim 28 is also allowable over the prior art of record. New claim 28 requires the use of IBDU which is not present in any of the references. Once again, Happ does not teach or suggest the use of IBDU in the treatment of moss.

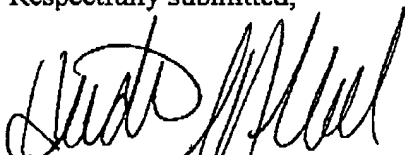
There likewise is no such suggestion in any of the other cited references. As noted previously, none of the other references are directed to control of moss. Rather they are focused on soluble fertilizer compounds for use with plants. As a result, there is no teaching or suggestion to combine the references in such a way that would render new claim 28 obvious.

Conclusion

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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